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10           **UNITED STATES BANKRUPTCY COURT**

11           **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

12           In re:

13           **JOSE DAVID SANCHEZ**

14           Address: 20370 VALLEY BLVD.  
15           TEHACHAPI, CA 93561

16           Social Security No(s)./TID No(s).  
17           xxx-xx-3226

18           Debtor.

19           Case No.: 13-14296-A-13K

20           Chapter 13

21           Docket Control No.: PWG-1

22           **DATE: September 25, 2013**

23           **TIME: 9:00 a.m.**

24           **PLACE: 1300 18<sup>TH</sup> Street, Suite A  
Bakersfield, CA 93301**

25           **JUDGE: Hon. Fredrick E. Clement**

26           **DEBTOR'S NOTICE OF MOTION TO VALUE COLLATERAL OF FORD MOTOR**

27           **CREDIT COMPANY, LLC AND TREAT THE CREDITOR'S CLAIM AS WHOLLY**

28           **UNSECURED UNDER 11 U.S.C §§ 506(a),(d) and 1325(a)(5)(B).**

29           TO FORD MOTOR CREDIT COMPANY, LLC, ITS SUCCESSORS, ASSIGNS AND

30           ATTORNEY(S) OF RECORD:

31           You are hereby notified that a proposed chapter 13 plan has been filed, which includes  
32           motions seeking to value collateral under 11 U.S.C. sections 506(a) and (d), 1325(a)(5)(B), Local  
33           Bankruptcy Rule 3015-1(j) and Fed. R. Bankr. P. 3012. The plan bifurcates the secured claims in  
34           class 2 under the chapter 13 plan and treats the portion that has no value to secure it as allowed  
35           general unsecured claims. Collateral may be valued by motion practice. *Laskin v. First Nat'l Bank*  
36           (*In re Laskin*), 222 B.R. 876 (B.A.P. 9<sup>TH</sup> Cir. 1998). Debtors are competent to testify about the value  
37           of their property. Fed. R. Evid. § 701; *Armour Vending Co. v. Kim (In re Kim)*, 205 B.R. 238  
38           (B.A.P. 9<sup>TH</sup> Cir. (Cal.) 1997). The debtor has done this through the schedules, statements and chapter

1           The term "debtor" includes both the singular and plural. See 11 U.S.C. § 107(2).

1 13 plan. A copy of the chapter 13 plan is included in the exhibits supporting this motion and  
 2 incorporated by reference into this notice.

3       A hearing concerning this motion will be held at the date, time and place listed above. If you  
 4 wish to oppose the motion, it is incumbent on you to appear and be heard in the United States  
 5 Bankruptcy Court, Eastern District of California, Fresno Division's Bakersfield courtroom located at  
 6 1300 18<sup>th</sup> Street, Bakersfield, California. Although written opposition is optional, all pleadings and  
 7 documents must be filed in the Fresno Division, 2500 Tulare Street, Suite 2501, Fresno, California  
 8 93721-1318.

9       This motion is being set on less than 28 days' notice under the alternative notice requirements  
 10 of Local Bankruptcy Rule 9014-1(f)(2). Therefore, "no party in interest shall be required to file  
 11 written opposition to the motion. Opposition, if any, shall be presented at the hearing on the motion.  
 12 If opposition is presented, or if there is other good cause, the Court may continue the hearing to  
 13 permit the filing of evidence and briefs." Although written opposition is optional, all pleading and  
 14 documents must be filed at the Fresno Division, 2500 Tulare Street, Suite 2501, Fresno, California  
 15 93721-1318. In addition to any other parties required by law, any written opposition shall be served  
 16 on the debtor(s), their attorney, and the standing Chapter 13 Trustee.

17       Any written opposition shall specify whether the responding party consents to the Court's  
 18 resolution of disputed material factual issues pursuant to Fed. R. Civ. P. 43(e) as made applicable by  
 19 Fed. R. Bank. P. 9017. If the responding party does not so consent, the opposition shall include a  
 20 separate statement identifying each disputed material factual issue. The separate statement shall  
 21 enumerate discretely each of the disputed material factual issues and cite the particular portions of  
 22 the record demonstrating that a factual issue is both material and in dispute. Failure to file the  
 23 separate statement shall be construed as consent to resolution of the motion and all disputed material  
 24 factual issues pursuant to Fed. R. Civ. P. 43(e).

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DATED: September 10, 2013

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Respectfully submitted,

By:   
 Phillip W. Gillet, Jr.  
 Attorney for debtor